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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/539,601

01/17/2006

Andre Ubele

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04/15/2008

BERENATO, WHITE & STAVISH, LLC

6550 ROCK SPRING DRIVE

SUITE 240

BETHESDA, MD 20817

EXAMINER

TALBOT, MICHAEL

ART UNIT

PAPER NUMBER

3722

MAIL DATE

DELIVERY MODE

04/15/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

## Application No.

10/539,601

## Applicant(s)

UBELE ET AL.

## Examiner

MICHAEL W. TALBOT

## Art Unit

3722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-7,10 and 11 is/are rejected.
- 7) ☒ Claim(s) 3,4,8 and 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/06)  
Paper No(s)/Mail Date 2/27/06
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Specification*

1. The abstract of the disclosure is objected to because of "undue length" and "the use of legal phraseology". Correction is required. See MPEP § 608.01(b).
2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The disclosure is objected to because of the following informalities:

Refer to page 8, line 28, the character reference "releasing key 21" should be changed so as to read --releasing key S--.

Refer to page 9, lines 8 through 9, the phrase "corresponding axial stop surfaces on snap-lock pin 14" should be changed so as to read --corresponding axial stop surfaces 14 on snap-lock pin 21--.

Refer to page 9, lines 15 through 16, the character reference "snap-lock pin 14" should be changed so as to read --snap-lock pin 21--.

Refer to page 9, line 32, the character reference "eccentric bolt 13" should be changed so as to read --eccentric bolt 13--.

Refer to page 10, line 9, the character reference "eccentric bolt 13" should be changed so as to read --eccentric bolt 13--.

Refer to page 10, line 22, the reference to "Fig. 12" is misleading and confusing as there is no "Fig. 12" submitted in the disclosure. Only Figs. 1-10 were submitted.

Refer to page 10, line 26, the character reference "eccentric bolt 13" should be changed so as to read --eccentric bolt 13--.

Refer to page 10, line 29, the character reference "eccentric bolt 13" should be changed so as to read --eccentric bolt 13--.

Appropriate correction is required.

#### ***Claim Objections***

4. Claims 1 and 7 are objected to because of the following informalities:

Claim 1 recites the limitation "the chuck axis" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitation "the release bolt" in lines 17 through 18. There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. See MPEP § 2173.05(c). Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949). In the present instance, claim 1 recites the broad recitation "for machine tools", and the claim also recites "in particular for lathes" which is the narrower statement of the range/limitation.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1,2,5-7,10 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Theodolin (US 4,969,654). Theodolin '654 shows in Figures 5-8 a powered clamping chuck having a chuck body (1) and several clamping jaws (2) that are arranged movably in radial jaw guides (3) and powered by a drive including key bars (4,10) slidably guided transversely to a chuck axis for displacement of the jaws, wherein each key bar having a tooth set (11) that is engaged with a corresponding counter-tooth set (12) on an associated clamping jaw. Theodolin

'654 further shows a positioning mechanism having a releasing bolt (13) mounted rotatably in the chuck body and a releasing key (19) that can be coupled to the releasing bolt (via 24,25) in order to displace, by way of rotation of the releasing bolt (via 38), the coupling attachment of the key bar between an upper working position (Figs. 5 and 7) and a lower jaw changing position (Figs. 6 and 8). Theodolin '654 further shows a locking device (24,25) being provided which locks the releasing key on the releasing bolt and permits disengagement of the releasing key only in the working position of the key bar. Theodolin '654 further shows the key bar having a locking means (20,21) that allows rotation of the releasing bolt out of the rotational position corresponding to the lower jaw changing position of the key bar into the rotational position corresponding to the upper working position of the key bar when the tooth set of the coupling attachment is in engagement with the counter-tooth set of the clamping jaw, and otherwise prevents rotation of the releasing bolt into the rotational position corresponding to the upper working position. Theodolin '654 further shows an eccentric bolt (portion 31 of 13) coupled to the releasing bolt being rotatably mounted in a transverse bore (36,37) of the key bar body and carrying a projecting extension (35) that upon rotation of the eccentric bolt comes into engagement with a corresponding counter surface of the coupling attachment in order to displace the coupling attachment between the upper working position and the lower jaw changing position. Theodolin '654 further shows the coupling attachment possesses on its underside a guide extension (26) that engages into a corresponding guide bore of the key bar body. Theodolin '654 further shows the coupling attachment being braced against the key bar body by way of compression springs, (at 26) optionally via pusher pieces (26), and is pushed towards the clamping jaw.

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***Allowable Subject Matter***

9. Claims 3 and 4 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

10. Claims 8 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

12. Any inquiry concerning the content of this communication from the examiner should be directed to Michael W. Talbot, whose telephone number is 571-272-4481. The examiner's office hours are typically 8:30am until 5:00pm, Monday through Friday. The examiner's supervisor, Mrs. Monica S. Carter, may be reached at 571-272-4475.

In order to reduce pendency and avoid potential delays, group 3720 is encouraging FAXing of responses to Office Actions directly into the Group at FAX number 571-273-8300. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers, which require a fee, by applicants who authorize charges to a USPTO deposit account. Please identify Examiner Michael W. Talbot of Art Unit 3722 at the top of your cover sheet.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private

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PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. W. T./  
Examiner, Art Unit 3722  
13 April 2008

/Monica S. Carter/  
Supervisory Patent Examiner, Art Unit 3722